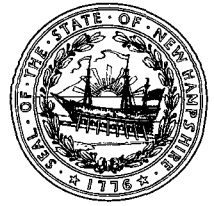




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WET 06-062**

June 27, 2006

Steven MacLean
753 Hurd Pond Rd
Unity, NH 03773

RE: DES Wetlands File #2005-01156 753 Hurd Pond Rd, Unity

Dear Mr. MacLean:

On March 23, 2006 and May 25, 2006, personnel from the Department of Environmental Services ("DES") conducted inspections of the above referenced property, more specifically referenced on Town of Unity Tax Map 13 as Lot K5-215-2 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. A culvert has been installed in an intermittent stream. The culvert is approximately 80 feet long.
2. Soils adjacent to the stream have not been stabilized and are eroding, resulting in sediment deposition in jurisdictional wetlands.
3. Recent excavation into the slope on the southern property line has created a ditch and resulted in ground water break out. These areas exhibit wetland characteristics and carry surface water. The soils have not been stabilized in this area.
4. Fill has been placed in a jurisdictional wetland to create road access across the culvert and "square off" the fill area. Approximately 3,000 square feet of wetland has been filled.
5. No erosion controls had been installed.

In response, you are requested to take the following actions:

1. **Immediately** stabilize all un-vegetated soils in and adjacent to jurisdictional streams and wetlands by seeding and mulching with straw.
2. **Within 30 days** of the date of this letter, submit photo documentation to show the soils have been stabilized.
3. **Within 30 days** of the date of this letter, remove 3,000 square feet of wetland fill, as determined and agreed to on the May 25, 2006 site visit. The fill should be removed to the level of original organic soil. Stabilize the remaining slope of the fill by seeding and mulching. Submit photo documentation to DES to show the fill has been removed.
4. **Within 30 days** of the date of this letter, submit a permit application to retain less than 50 linear feet of the culvert and associated fill, as agreed to on the March 23, 2006 site visit. Include in the permit application provisions to remove any additional fill associated with the portion of the culvert to be removed and to immediately restore and stabilize the area by seeding and mulching.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066 or email at dbuker@des.state.nh.us.

Sincerely,


Collis G. Adams, CWS
Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0770

cc: Rene Pelletier, Asst. Director, Water Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Unity Conservation Commission
Unity Board of Selectmen
USACOE